

## Message Text

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21

ACTION EB-11

INFO OCT-01 IO-14 ISO-00 FRB-03 OMB-01 TAR-02 SP-03 SWF-02

AGR-20 AID-20 CIAE-00 COME-00 INR-11 LAB-06 NSAE-00

OIC-04 RSC-01 SIL-01 STR-08 TRSE-00 CIEP-03 CEA-02

L-03 SCI-06 FEA-02 JUSE-00 AF-10 ARA-16 EA-11 EUR-25

NEA-14 NSC-07 INRE-00 NSCE-00 SSO-00 USIE-00 DRC-01

/208 W

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O R 260955Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 7348

INFO USUN NEW YORK 783

UNCLAS GENEVA 4769

PASS EB/CBA/BP-WINTER AND EB/OIT/GCP-BLACK

E.O. 11652: N/A

TAGS: EIND, UNCTAD

SUBJECT: UNCTAD INTERGOVERNMENTAL GROUP (IGG) ON  
TRANSFER OF TECHNOLOGY

REF: STATE 158601; GENEVA 4639, 4675

1. DRAFT RESOLUTION L-16 WAS REJECTED BY GROUP B WHICH  
INTRODUCED COUNTER-RESOLUTION PROPOSING THAT QUESTION OF  
ESTABLISHING GROUP OF EXPERTS BE POSTPONED UNTIL NEXT  
MEETING OF IGG OR ITS SUCCESSOR.

2. SUBSEQUENTLY, AT REQUEST OF CHAIRMAN IGG NEGOTIATIONS  
MOVED FROM CONTACT GROUP TO A SMALLER ONE COMPRISED OF  
THE CHAIRMAN, VICE CHAIRMAN PLUS REPRESENTATIVES FROM  
FEW SUPPORTING DELEGATIONS. THE HEAD OF USDEL AS VICE  
CHAIRMAN AND SPOKESMAN FOR GROUP B (DEVELOPED COUNTRIES)  
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HAD MAJOR ROLE IN THESE NEGOTIATIONS AS HAS BEEN CASE THROUGHOUT THIS IGG MEETING. HE WAS BACKED BY REPRESENTATIVES FROM JAPAN, SWITZERLAND AND UK. MEETING OF VICE CHAIRMAN PROCEEDED TO DRAFT COMPROMISE RESOLUTION WHICH WAS BASED ON NEW PROPOSAL FROM 77 DRAFTED DURING THE NEGOTIATIONS. THE NEW PROPOSAL FROM THE 77 WAS MODIFIED BY THE B COUNTRIES TO REFLECT ELEMENTS OF US PREPARED DRAFT. THE NEW PROPOSAL WAS REFERRED TO AS A COMPROMISE DRAFT AND WAS ACCEPTED BY THE NEGOTIATORS ON AN AD REFERENDUM BASIS. THE COMPROMISE DRAFT WAS NOT ACCEPTABLE TO GROUP B AS A WHOLE AND THE GROUP DECIDED TO RESUBMIT ITS COUNTER-PROPOSAL AS QUOTED BELOW.

3. IN A SECOND MEETING WITH THE VICE-CHAIRMAN, THE GROUP OF 77 REPRESENTATIVE INDICATED THAT HIS GROUP WOULD NOT ACCEPT THE GROUP B COUNTER-PROPOSAL. THE ISSUE IS NOW DEADLOCKED WITH FURTHER MEETINGS OF THE VICE CHAIRMAN SCHEDULED FOR TODAY, JULY 25.

4. THE GROUP B COUNTER-RESOLUTION IS AS FOLLOWS:

QUOTE

1. THE THIRD SESSION OF THE INTERGOVERNMENTAL GROUP TOOK NOTE OF THE REPORT: "THE ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES" WHICH WAS JOINTLY PREPARED BY THE UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, THE UNCTAD SECRETARIAT AND THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO), AND THE COMMENTS THEREON.

2. THE IGG WELCOMED THE CLOSE COOPERATION ACHIEVED BY THESE SECRETARIES IN THIS FIELD.

3. THE IGG STRESSED THE NECESSITY FOR UNCTAD IN ANY INSTITUTIONAL FRAMEWORK TO CONTINUE THE EXAMINATION OF THE DEVELOPMENTAL ASPECTS OF THE INTERNATIONAL PATENT FRAMEWORK, RECOGNIZING THE JURISDICTION AND COMPETENCE OF WIPO.

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4. THE IGG REQUESTED THE SECRETARY-GENERAL OF UNCTAD TO TRANSMIT TO THE DIRECTOR GENERAL OF WIPO FOR USE BY THAT BODY, AS APPROPRIATE, THE RELEVANT DOCUMENTATION AND THE REPORT OF THIS SESSION OF THE IGG.

5. THE IGG ALSO REQUESTED THE SECRETARY GENERAL OF UNCTAD TO REQUEST THE COMMENTS OF GOVERNMENT MEMBERS

OF UNCTAD ON THE REPORT "THE ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY TO THE DEVELOPING COUNTRIES" INCLUDING THE NECESSITY OF CONVENING AN INTERGOVERNMENTAL GROUP OF EXPERTS TO STUDY THE DEVELOPMENTAL ASPECTS OF THE INTERNATIONAL PATENT FRAMEWORK WHICH HAVE A BEARING ON THE DEVELOPMENT PROCESS OF DEVELOPING COUNTRIES WITH A VIEW TO PROVIDING A BETTER UNDERSTANDING OF THAT FRAMEWORK IN THE CONTEXT OF A MODERNIZATION OF THAT FRAMEWORK AIMED AT REFLECTING THE SPECIAL NEEDS OF DEVELOPING COUNTRIES AND TO MAKE RECOMMENDATIONS THEREON.

6. THE IGG RECOMMENDS TO THE UN TRADE AND DEVELOPMENT BOARD THAT THIS ITEM INCLUDING THE MATTER OF ESTABLISHING AN INTERGOVERNMENTAL GROUP OF EXPERTS, BE PLACED, 9, - PRIORITY BASIS, ON THE AGENDA OF ANY NEXT SESSION OF THE IGG, OR ANY EVENTUAL MAIN COMMITTEE ON TRANSFER OF TECHNOLOGY, TO CONSIDER THE POSSIBLE ELEMENTS FOR THE MODERNIZATION OF THE INTERNATIONAL PATENT FRAMEWORK, BEARING IN MIND THE NEEDS OF THE DEVELOPING COUNTRIES, AND IN PARTICULAR THE LEAST DEVELOPED AMONG THEM.

7. THE IGG SHOULD ANNEX TO THE REPORT OF ITS THIRD SESSION THE DRAFT RESOLUTION PRESENTED BY THE GROUP OF 77 CONTAINED IN DOCUMENT TD/B/AC.11/L.16. UNQUOTE

5. COMMENT IN STATE 159424 RELATING TO US PARTICIPATION, APPEARS BASED ON MISUNDERSTANDING. THE HEAD OF THE US DELEGATION HAS BEEN ELECTED VICE CHAIRMAN OF THE CONFERENCE. HE IS ALSO SERVING AS COORDINATOR OF OVEALL GROUP B POSITIONS ON ALL SUBJECTS INCLUDING TERMS OF REFERENCE. HE IS ALSO SPOKESMAN FOR GROUP B IN THE PLENARY SESSIONS, UNCLASSIFIED

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THE PRESIDENT'S CONTACT GROUP AND IN THE SMALL NEGOTIATING GROUP ESTABLISHED BY THE PRESEDIENT. A MEMBER OF THE US DELEGATION IS SERVING AS "FRIEND OF THE RAPPORTEUR" FOR GROUP B. THE US HAS PARTICIPATED IN DRAFTING TWO COUNTER-PROPOSALS ON THE ROLE OF PATENTS, ONE OF WHICH WAS SUBMITTED ON BEHALF OF GROUP. B. IT IS THUS CLEAR US IS PLAYING LEADING ROLE IN IGG. ABRAMS

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NNN

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* UNCLASSIFIED

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